

**ALASKA STATE LEGISLATURE  
HOUSE JUDICIARY STANDING COMMITTEE**

April 19, 2021

1:32 p.m.

**MEMBERS PRESENT**

Representative Matt Claman, Chair  
Representative Liz Snyder, Vice Chair  
Representative Harriet Drummond  
Representative Jonathan Kreiss-Tomkins  
Representative David Eastman  
Representative Christopher Kurka  
Representative Sarah Vance

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

HOUSE BILL NO. 66

"An Act relating to voting, voter qualifications, and voter registration; relating to poll watchers; relating to absentee ballots and questioned ballots; relating to election worker compensation; and providing for an effective date."

- MOVED CSHB 66(JUD) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HB 66

SHORT TITLE: ELECTIONS, VOTING, BALLOTS

SPONSOR(S): REPRESENTATIVE(S) TUCK

02/18/21	(H)	PREFILE RELEASED 1/15/21
02/18/21	(H)	READ THE FIRST TIME - REFERRALS
02/18/21	(H)	STA, JUD
04/09/21	(H)	STA REFERRAL MOVED TO AFTER JUD
04/09/21	(H)	BILL REPRINTED
04/12/21	(H)	JUD AT 1:00 PM GRUENBERG 120
04/12/21	(H)	Heard & Held
04/12/21	(H)	MINUTE(JUD)
04/14/21	(H)	JUD AT 1:00 PM GRUENBERG 120
04/14/21	(H)	Heard & Held
04/14/21	(H)	MINUTE(JUD)
04/19/21	(H)	JUD AT 1:00 PM GRUENBERG 120

## **WITNESS REGISTER**

CAROL THOMPSON, Division Operations Manager  
Division of Elections  
Office of the Lieutenant Governor  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 66.

TOM FLYNN, Assistant Attorney General  
Labor and State Affairs Section  
Civil Division (Anchorage)  
Department of Law  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 66.

## **ACTION NARRATIVE**

[1:32:25 PM](#)

**CHAIR MATT CLAMAN** called the House Judiciary Standing Committee meeting to order at 1:32 p.m. Representatives Drummond, Kreiss-Tomkins, Snyder (via teleconference) and Claman were present at the call to order. Representatives Eastman, Kurka, and Vance arrived as the meeting was in progress.

### **HB 66-ELECTIONS, VOTING, BALLOTS**

[1:33:04 PM](#)

CHAIR CLAMAN announced that the only order of business would be HOUSE BILL NO. 66, "An Act relating to voting, voter qualifications, and voter registration; relating to poll watchers; relating to absentee ballots and questioned ballots; relating to election worker compensation; and providing for an effective date."

CHAIR CLAMAN reminded the committee that Legislative Legal Services has permission to make any technical and conforming changes to the bill.

[1:34:01 PM](#)

REPRESENTATIVE SNYDER moved Amendment 1, labeled 32-LS0322\B.2, Klein, 4/16/21, which read as follows:

Page 13, line 13, following "section":  
Insert "and notice of the ballot curing process under  
AS 15.20.204"

REPRESENTATIVE DRUMMOND objected for the purposes of discussion.

REPRESENTATIVE SNYDER explained that Amendment 1 would address an issue found on page 13, line 13 and would provide instruction regarding notifying voters when their ballot had been rejected and it would include the reason for rejection and whether it may be cured.

[1:35:09 PM](#)

CHAIR CLAMAN sought questions from the committee on Amendment 1.

REPRESENTATIVE DRUMMOND removed her objection to Amendment 1.

[1:35:42 PM](#)

CHAIR CLAMAN stated that, there being no further discussion or objection, Amendment 1 was adopted.

[1:35:46 PM](#)

REPRESENTATIVE SNYDER moved Amendment 2, labeled 32-LS0322\B.3, Klein, 4/16/21, which read as follows:

Page 14, lines 7 - 8:  
Delete "the completion of the state ballot counting  
review"  
Insert "10 days after the election"

REPRESENTATIVE DRUMMOND objected for the purposes of discussion.

REPRESENTATIVE SNYDER explained that Amendment 2 would address an issue found on page 14, lines 7 through 8 and would establish a date by which a cured ballot must be received, 10 days after the election. She further explained that the date had been found to be consistent with other ballot receipt deadlines, such as that for international absentee ballots.

[1:37:30 PM](#)

REPRESENTATIVE KURKA asked what deadline exists currently to receive ballots, as compared to when they must be postmarked, to be counted in an election.

[1:38:07 PM](#)

REPRESENTATIVE SNYDER referred to AS 15.20.081 (h) 1 - 2 and stated that when absentee ballots are returned by mail they must be received on or before the tenth day following a primary election, and on or before the fifteenth day following a general election, special election, or special runoff election, for ballots returned by an international voter.

[1:39:16 PM](#)

CAROL THOMPSON, Division Operations Manager, Division of Elections, answered questions during the hearing on HB 66 and stated that she had nothing further to add to Representative Snyder's answer to Representative Kurka's question.

[1:39:32 PM](#)

CHAIR CLAMAN asked whether the adoption of Amendment 2 would result in a voter being required to complete the cure within the deadline following an election.

REPRESENTATIVE SNYDER affirmed this as correct.

[1:40:16 PM](#)

REPRESENTATIVE DRUMMOND removed her objection to Amendment 2.

[1:40:21 PM](#)

CHAIR CLAMAN stated that, there being no further discussion or objection, Amendment 2 was adopted.

[1:40:27 PM](#)

REPRESENTATIVE SNYDER moved Amendment 3, labeled 32-LS0322\B.4, Klein, 4/16/21, which read as follows:

Page 14, line 14, following "division":  
Insert "or postmarked"

REPRESENTATIVE DRUMMOND objected for the purposes of discussion.

[1:40:33 PM](#)

REPRESENTATIVE SNYDER explained that Amendment 3 would address an issue found on page 14, line 14 and would provide clarification that an issue found with a ballot that may be curable and would provide an opportunity to address the issue of when a ballot had a problem with a date on or before the election date.

[1:41:56 PM](#)

REPRESENTATIVE EASTMAN recalled previous testimony in which it was revealed that some ballots do not bear postmarks. He asked what the status of a ballot without a postmark received after election day would be and how the intent of this amendment would pertain to those ballots.

[1:42:37 PM](#)

MS. THOMPSON explained that when a ballot is received on or before election day that does not have a postmark, the division would accept it as received timely. She further added that, should a ballot received after election day that does not have a postmark, the division would review the witness signature date, and if it was on or before election day, the ballot would be accepted. She stated that ballots that have neither a postmark nor a witness date on or before election day and are received after election day may not be accepted by the division.

[1:43:27 PM](#)

CHAIR CLAMAN asked, on behalf of Representative Eastman, whether the proposed amendment would change that process in any way.

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REPRESENTATIVE SNYDER stated that the intent of the amendment was not to interfere with the acceptance of which ballots received on or before election day could be subject to rejection and asked for an opinion on any possible effect Amendment 3 could have to the division's process not previously considered.

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CHAIR CLAMAN asked the division to interpret whether the amendment would result in a change to division practices.

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MS. THOMPSON recommended that the question to be answered by the Department of Law.

[1:45:04 PM](#)

TOM FLYNN, Assistant Attorney General, Labor and State Affairs Section, Civil Division (Anchorage), Department of Law, answered that there exist two potential issues: if a certificate is either not dated, or if it has some other date [after election day] on it. He stated that the date is furnished by the witness, and if a date is missing or incorrect and the ballot is received on or before election day or is postmarked on or before election day, there is no issue. He explained that the other scenario in which a witness may provide a date after the election and speculated that scenario seemed unlikely. He opined that adoption of the amendment should not affect the division's practices.

[1:46:05 PM](#)

REPRESENTATIVE EASTMAN asked that, should Amendment 3 be adopted, what effect would this amendment have on a ballot that did not bear a postmark.

[1:47:00 PM](#)

MR. FLYNN answered that, should a ballot with no postmark be received after election day, the ballot would not be counted and there would not be an opportunity for a voter to cure it.

[1:47:33 PM](#)

CHAIR CLAMAN asked whether the amendment under consideration affecting AS 15.20.204 pertained only to cured ballots, and not to ballots that were not subject to the cure provision.

MR. FLYNN opined that it would not pertain to ballots not subject to the cure provision and added that the amendment pertains to ballots that may be curable. He further added that ballots that have no date, no postmark, and are not received timely would not be curable.

[1:48:38 PM](#)

REPRESENTATIVE EASTMAN asked for affirmation that his understanding, should Amendment 3 pass, that a ballot received with no postmark, and received after election day would not be counted, is correct.

MR. FLYNN agreed with Representative Eastman's summation but requested that Ms. Thompson offer her understanding.

[1:49:03 PM](#)

MS. THOMPSON said that, should a ballot bear a date on or before election day it would be counted if it was received on or after election day.

[1:49:47 PM](#)

REPRESENTATIVE DRUMMOND expressed her confusion and asked to confirm that when a ballot bears a witness signature dated on or before election day, and a ballot was not postmarked on or before election day, the witness date would [qualify] the ballot to be counted.

MS. THOMPSON answered that current practice would allow a witness date on or before election day to qualify a vote to be counted as received timely.

[1:50:42 PM](#)

REPRESENTATIVE DRUMMOND asked that, should the witness signature requirement be eliminated should HB 66 pass, what [date] would then be used as the certificate.

CHAIR CLAMAN offered that the witness requirement would not be eliminated should HB 66 pass.

REPRESENTATIVE DRUMMOND asked for further confirmation that the witness date would be used for the certificate [to qualify a vote received after election day with no postmark].

MS. THOMPSON confirmed this as correct.

[1:51:39 PM](#)

CHAIR CLAMAN stated that, there being no further comments or questions, and with the removal of Representative Drummond's objection, Amendment 3 was adopted.

[1:52:05 PM](#)

CHAIR CLAMAN stated that HB 66, as amended, was before the committee.

[1:52:20 PM](#)

REPRESENTATIVE SNYDER thanked the bill sponsor for collaborating on the amendments.

[1:52:34 PM](#)

REPRESENTATIVE VANCE thanked the bill sponsor and added that a deeper consideration of voting issues in Alaska was warranted.

[1:53:14 PM](#)

REPRESENTATIVE EASTMAN expressed his concern that the proposed legislation may not align with current practices. He recalled previous testimony and suggested it warranted further discussion regarding dates and signatures appearing on ballots. He expressed his concern that a witness signature requirement had been waived by the court in the previous election. He expressed his concern that statute may not be followed.

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REPRESENTATIVE KURKA expressed his gratitude for the sponsor bringing the bill forward for consideration and the ensuing discussion; however, he could not support the bill in its current form. He echoed the concerns expressed by Representative Eastman that statute may not be followed.

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REPRESENTATIVE KREISS-TOMKINS expressed his support for the bill.

[1:56:26 PM](#)

CHAIR CLAMAN expressed his appreciation of the work involved on HB 66 and expressed his support for the bill.

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REPRESENTATIVE SNYDER moved to report HB 66, as amended, out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE EASTMAN objected.

[1:57:03 PM](#)

A roll call vote was taken. Representatives Kreiss-Tomkins, Drummond, Snyder (via Teams), and Claman voted in favor of HB 66. Representatives Eastman, Kurka, and Vance voted against it. Therefore, HB 66 was reported out of the House Judiciary Standing Committee by a vote of 4-3.

[1:58:59 PM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 1:58 p.m.